the invention. Applicants have amended claim 1 to overcome the indefiniteness issue, and therefore request that the rejection be withdrawn.

Rejections under 35 U.S.C. §103

Claims 1,2,3,5,6,8,10,11, 13 and 15:

Claims 1, 2, 3, 5, 6, 8, 10, 11, 13 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Saleh, (U.S. Patent Application publication 2003/0058804A1), hereinafter Saleh, in view of Welland et al. (U.S. 5,247,677, hereinafter Welland).

Saleh, U.S. Application 2003/0058804A1:

Saleh describes a method which provisions a virtual path between a first and a second one of a plurality of nodes by: identifying the first and the second nodes, discovering a physical path from the first node to the second node, and establishing the virtual path. The Examiner relies upon certain portions of Saleh, for example page 4 paragraph 55 of Saleh describes:

> "...Changes that occur in the network, whether caused by failed links, newly provisioned connections, or added/failed/removed nodes, are "broadcast" throughout the network, using special protocol packets and procedures. Topology distribution normally runs concurrently with, and in parallel to, failure restoration activities, but at a much lower priority. The directions are most likely to result in a usable route. This has a significant impact on the amount of broadcast traffic used to establish routes in large networks..."

At page 8, paragraph 99, the Examiner also cites Saleh's use of LSA packets.

At page 4 of the office action, the Examiner states "... Saleh clearly did not disclose the step of raising the operating system task to a high priority level to perform the selected operation. Instead, Saleh discloses (paragraph 555) that some tasks are processed at a lower priority level than the other. Saleh also discloses ... that when a node receives LSA messages, it is first analyzed to determine the appropriate action to be formed. The LSA is then acknowledged by sending back an appropriate response to the node having transmitted the message... It is obvious for one of an ordinary skill in the art, at the time the invention was made, to recognize that when it is time to send out the Hello message, which also contains LSAs, a higher priority is enforced to take care of the operation right away. Thus, boosting the task (operating system task) to a high priority level..."

As best can be understood by the Applicant, it appears that the Examiner's argument is that Saleh teaches that LSAs processing are moved to a higher priority when it occurs. Such a conclusion is not based on any teaching or suggestion of Saleh, but rather is inconsistent with the teachings of Saleh.

Applicants refer the Examiner to the full text of paragraph 55, which states clearly that 'Topology distribution normally runs ... at a much lower priority..." Applicants can only assume that such a statement infers that there *are* relative priorities assigned to tasks. However, there is not even an inference that the priorities of the *individual* tasks are changed during operation. In fact, a statement that 'LSA distribution is boosted to a higher priority' is totally inconsistent with the teachings of Saleh, which states that 'topology distribution ... runs ... at a much lower priority..."

Applicants further suggest that such a modification of Saleh, to boost topology distribution to a higher level for forwarding LSA messages would only serve to frustrate bandwidth capability in Saleh. The Examiner is referred to paragraph 77 of Saleh, which describes that 'In the case of a stable network, the majority of transmitted Hello packets are empty (i.e., contain no topology information) because only altered LSAs are included in the Hello messages." Applicants submit that it would not make sense for Saleh to raise the priority of transmitting routing messages such as the LSA message to a higher priority, as this would only serve to waste bandwidth when the system is stable, wasting bandwidth transferring empty packets.

However, Applicants acknowledge that the Examiner is reading Saleh together with Welland.

Welland describes a system wherein "...Tasks are selected for execution stochastically on the basis of a random number weighted by task priority. Because every task has a finite nonzero probability of being selected, the probability being proportional to the task priority, the present invention has the advantage that all tasks, even low priority ones, have a chance of being selected, thus eliminating the lockout problem..."

Thus Welland describes a system which overcomes the problems of tasks, which have *fixed* priorities, being selected in such a manner that even lower priority tasks are selected. Applicant's note that such a structure does not *change* the priority of the tasks, as recited in the claims.

Thus, Applicants submits that one would not be motivated to modify the combination of references as suggested by the Examiner, because it appears that 'boosting the priority of LSA' messages as suggested by the Examiner would only serve to frustrate the delivery of bandwidth in the network of Saleh. In addition, even if a motivation could be found, it is clear that the combination of references neither shows nor suggests a system including the steps of "...executing the operating system task at a low priority level prior to performing the selected operation; and *raising the operating system task to a high priority level* in order to perform the selected operation in response to a detection of a trigger condition comprising a link state advertising message indicating that the selected operation is to be performed.."

For at least this reason, claim 1 is patentably distinguished over the combination of Saleh and Welland. Independent claim 6 recites "...task priority control logic operably coupled to execute the operating system task at a low priority level prior to performing the selected operation and raise the operating system task to a high priority level in order to perform the selected operation upon detection of a trigger condition,.." and is thus distinguishable over the combination of Saleh and Welland for reasons similar to those put forth above with regard to claim 1. Independent claim 11 recites "...task priority control logic programmed to execute an operating system task associated with a plurality of operations including the selected operation at a low priority level prior to performing the selected operation and raise the operating system task to a high priority level in order to perform the selected operation upon detection of a trigger condition..." and is thus also distinguishable over the combination of Saleh and Welland for reasons similar to those put forth above with regard to claim 1. Dependent claims 2-5, 8-10 and

13-15 serve to add further patentable elements to their parent claims, but are allowable for at least the reasons put forth above.

Claims 4, 9 and 14;

Claims 4, 9 and 14 were rejected under 35 U.S.C. §1043 as being unpatentable over Saleh in view of Welland and further in view of Feldman. The Examiner relies on Feldman as teaching the use of a Dijkstra shortest path algorithm. However, the combination of Feldman with Saleh and Welland fails to overcome the fact that the combination does not teach a system having the structure put forth in the independent claims, wherein the priority of a task is raised in response to a trigger condition. For at least this reason, claims 4 , 9 and 14 are patentably distinguishable over the combination of references, and the rejection should be withdrawn.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Lindsay McGuinness, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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